IN THE HIGH COURT OF DELHI

Bail Application No.623/2007

Mahipal @ Babloo (Babli) ..... Petitioner
! through: Mr. Rajiv Khosla, Advocate

VERSUS

$ State ..... Respondent
^ through: Mr. Anil Soni, Advocate

% DATE OF DECISION: 07.08.2007

CORAM:

* **Hon'ble Mr.Justice Pradeep Nandrajog**

1. Whether reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporter or not?

3. Whether judgment should be reported in Digest?

: **PRADEEP NANDRAJOG, J.** (Oral)

FIR No.832/2006 dated 30.5.2006
U/S 147/148/149/307/427 IPC
& U/S 25/27/54/59 of Arms Act

1. Petitioner is in custody since 30.5.2006.

2. Spoils of money pertaining to distribution of cable signals appears to be the genesis of a fight.

3. On 30.5.2006 a fight took place between two groups. Group one was that of the petitioner. The other group may be referred to as Rathi group.

4. 2 persons from Rathi group were injured. 4

persons suffered injuries from the group of the petitioner. The injured of the Rathi group are Ajay and Surender.

5. Role alleged against the petitioner is that of inciting the fight and using a firearm by taking a shot at the opposite group.

6. Persons injured in the Rathi group are Ajay and Surender.

7. Learned counsel for the petitioner states that the so called pistol wounds are a make-believe story. Counsel states that for unexplainable reasons whereas Ajay was taken to a petty local hospital called Brahm Shakti Hospital, the other stated injured Surender was taken to a recognized hospital in the area namely Jaipur Golden Hospital. Counsel urges that Ajay was discharged on the same day by Brahm Shakti Hospital and was ostensibly taken to Jaipur Golden Hospital but no record pertaining to his treatment at said hospital has been made a part of the record of the challan filed.

8. Counsel urges that the cartage ostensibly recovered from the spot has not even been sent for forensic examination and no report of forensic expert has been relied upon along with the challan.

9. It is not in dispute that a cross FIR No.833/2006 has

been registered againt the Rathi group. It is not in dispute that all accused persons in both FIR's save and except the petitioner have been admitted to bail.

10. Noting the broad contours of the controversy and subsequent events pertaining to the investigation, notwithstanding a greater role assigned to the petitioner, case is made out to admit the petitioner to bail.

11. Petition accordingly stands directing that on the petitioner furnishing a personal bond in sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the learned Trial Judge, petitioner would be admitted to bail in the above captioned FIR.

12. Needless to state, petitioner would not contact any person of the rival group and would not threaten or intimidate any witness.

13. Copy of this order be supplied dasti to learned counsel for the petitioner.

August 07, 2007 **PRADEEP NANDRAJOG, J.**
dk